

**Remarks/Arguments:**

**Introduction**

Claims 1-9, 11-24, 27-37, 39 and 40 are pending. Claims 39 and 40 are withdrawn from consideration.

Claims 1 and 23 are amended to describe a prosthesis comprising, *inter alia*, a stent scaffold comprising a wire having turns wherein the wire and its turns are distributed equally along the length of the prosthesis which includes at least one segment of curvature. Support for these amendments may be found in the Specification at page 20, lines 4-5, lines 11-13 and page 21, lines 9-11. No new matter is introduced with these amendments.

**Section 102 Rejections**

Claims 1, 2, 8, 9, 11-16, 21, 23, 24, 27-32 and 37 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,994,071 to MacGregor (hereinafter "MacGregor"). Claims 1, 2, 4, 8, 9, 18, 19, 21-24, 34, 35 and 37 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,653,743 to Martin (hereinafter "Martin"). Claims 1, 20, 23 and 36 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,694,517 to Marin et al. (hereinafter "Marin"). Applicant respectfully traverses.

**MacGregor**

MacGregor describes a bifurcated stent 10 having a main tubular body or lattice 16 and two tubular legs or lattices 20, 23. (MacGregor, column 3, lines 54-68, Fig. 1). The lattices 16, 20, and 22 have a series of loops 12, 12'', 12', respectively, which are depicted as undulating looped wires. (*Id.*) A longitudinally extending wire 24 interconnects loops 12 and 12' and further interconnects lattices 10 and 22. (MacGregor, column 4, lines 1-4). A second

longitudinally extending wire 26 similarly interconnects loops 12 and 12'' and lattices 10 and 20. (MacGregor, column 4, lines 5-10). The wires 24, 26 are substantially straight in the longitudinal direction except for a bend at the point of bifurcation. (MacGregor, column 4, lines 10-14; Fig. 1). Thus, the wires 24, 26 do not have turns that are distributed substantially equal along the length of the stent. Further, MacGregor fails to describe that any of the loops 12, 12', 12'' extend through the area of bifurcation. In other words, there is a discontinuity of the stent configuration at the area of bifurcation. (see e.g., MacGregor, Fig. 1A). The general depictions of Figs. 2A-3D, which schematically show the placement of the MacGregor stent within body vessels 50, 50a, 50b, depict portions of the stent being curved, but fail further detail the area of bifurcation.

In contrast, the present invention as currently defined by independent claims 1 and 22 is directed to a prosthesis comprising, *inter alia*, a stent scaffold comprising a wire having turns wherein the wire and its turns are distributed substantially equal along the length of the prosthesis which includes, *inter alia*, at least one segment of curvature. MacGregor fails to disclose such claimed limitations because the wires 24, 26 only have one turn at the point of bifurcation and the turn is not therefore equally distributed along the length of the stent. Further, the stent coils 12, 12', 12'' are not equally distributed over the length of the stent due to discontinuity at the point of bifurcation.

Accordingly, MacGregor fails to disclose the present invention. Reconsideration and withdrawal of the Section 102(b) rejections over MacGregor are respectfully requested.

Further, MacGregor fails to teach or suggest that either its coils or wires and their configurations, i.e., turns, may be equally distributed over the entire length of the stent, including curved portions such as the bifurcation location. Accordingly, Applicant respectfully submits that the present invention is patentably distinct over MacGregor.

Martin

Martin is directed to a prosthesis 1 having a graft 2 having a woven, stainless steel, self-expanding mesh support 3 bonded to the graft 2. (Martin, column 2, lines 49-57). The prosthesis 1 is shown as being curved in both Figs. 1 and 4. Fig. 1 depicts details of the prosthesis 1, and Fig. 4 schematically depicts placement of the prosthesis in a hypogastric artery. (Martin, column 2, lines 34-43). In Fig. 1, Martin shows a gradient of wire crossings, i.e., increased separation of the wires at the top of the prosthesis as compared to the decreased separation at lower portions.

Thus, Martin fails to disclose an equal distribution of wires and their turns along the length of the prosthesis. Therefore, because Martin fails to disclose each and every limitation of the present invention as set forth in independent claims 1 and 23, Martin fails to anticipate the present invention.

Thus, reconsideration and withdrawal of the claims rejections under Section 102(b) over Martin are respectfully requested.

Further, as Martin fails to teach or suggest an equal distribution of a stent wire and its turns over the length of the graft, including at least one curved segment, the present invention is patentably distinct over Martin.

Marin

Marin describes a graft stent complex 44 L, R which has cephalic stents 48 and caudal stent 49 L, R disposed at opposing ends of knitted textile graft 45 L,R. (Marin, column 6, lines 35-40). In other words, the prosthesis of Marin is a knitted textile graft with stents disposed at the ends of the graft for securement purposes. Further, Marin teaches that the stents, which are

secured only to the ends of the grafts, should not extend into the pathological defect, i.e., the curved aneurysm region, and should not extend into branched regions. (Marin, column 20, lines 46-40). Therefore, as noted by the Examiner, the graft 46 L, R has a segment of curvature. Marin, however, fails to disclose a stent having such a curvature. Further, Marin fails to disclose a prosthesis comprising a stent wire having turns that is equally distributed over the length of the prosthesis, including at least one curved segment of the prosthesis.

Therefore, Marin fails to disclose the present invention. Reconsideration and withdrawal of the claim rejections under Section 102(b) are respectfully requested.

Furthermore, Marin fails to teach or suggest the present invention. Marin teaches that the stent portions of its prosthesis must not extend along the entire length of the prosthesis. Marin teaches that its stent portions must not traverse curved bodily regions, such as aneurysms, or branched regions. Accordingly, Marin fails to teach or suggest the present invention. Thus, the present invention is patentably distinct over Marin.

### **Section 103 Rejections**

Claims 3, 5, 6, 7, 17 and 33 are rejected under 35 U.S.C. §103(a) as being obvious over Martin in view of WO 95/09585 (hereinafter "Cato"). Applicant respectfully traverses.

Cato discloses a three-dimensionally curved prosthesis. (See e.g., Cato, Fig. 5). The prosthesis includes a tub of bio-compatible material held open by a stent. (Cato, page 6, lines 4-9). Cato, however, fails to teach or suggest any stent details, including details of stent wire distribution and/or configuration. Thus, Cato fails to cure the above-discussed deficiencies of Martin.

Therefore, reconsideration and withdrawal of the claim rejections are respectfully requested.

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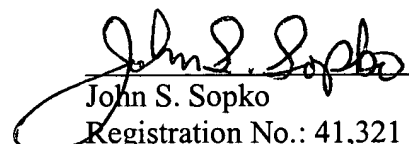
**Summary**

Therefore, Applicants respectfully submit that independent claims 1 and 23, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461.

Respectfully submitted,

  
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John S. Sopko  
Registration No.: 41,321  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700